

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STONINGTON VINEYARDS, INC.,
ROBERTA WOLMAN, and NICK
PAPPAS,

Plaintiffs,

v.

Civil Action No. 05-10982-JLT

EDDIE JENKINS, Chairman of the
Massachusetts Alcoholic Beverages Control
Commission, SUZANNE IANNELLA, and
ROBERT H. CRONIN, as Associate
Commissioners of the Massachusetts
Alcoholic Beverages Control Commission,

Defendants.

ORDER

October 5, 2005

TAURO, J.

After a conference on October 4, 2005, this court hereby orders that:

1. Plaintiffs' Motion for Judgment on the Pleadings [#8] is ALLOWED under the authority of Granholt v. Heald, 125 S.Ct. 1885 (2005), because the Massachusetts Liquor Control Act, Mass. Gen. Laws ch. 138 §§ 2, 18, and 19B, prohibits direct sales and shipments of wine from out-of-state wineries in violation of the Commerce Clause.
2. Defendants are ENJOINED from further enforcing the above-referenced sections, without prejudice to Defendants' taking necessary steps to initiate legislation or

regulations that comply with the anti-discrimination requirements of the Commerce Clause and Granholm v. Heald, 125 S.Ct. 1885 (2005).

3. Defendants' Motion to Certify Question to the Massachusetts Supreme Judicial Court [#25] is DENIED.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge